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March 3, 2000

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MAR 03 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Laredo and Rio Bravo, Texas)**

Dear Ms. Salas:

Transmitted herewith on behalf of Encarnacion A. Guerra, the licensee of KJBZ(FM), Laredo, Texas, is an original and four copies of his Petition for Rule Making seeking the commencement of a proceeding to amend the FM Table of Allotments to allot Channel 225C2 at Rio Bravo, Texas as its first local transmission service, and to upgrade the facilities of KJBZ(FM), Laredo, Texas to specify operation on Channel 225C2 at Rio Bravo, Texas in lieu of Channel 224A at Laredo, Texas.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia
Patricia M. Chuh

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
MAR 03 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Laredo and Rio Bravo, Texas)

)
)
) MM Docket No. _____
) RM No. _____
)
)

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Encarnacion A. Guerra ("Guerra"), the licensee of KJBZ(FM), Laredo, Texas, by its attorneys, pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 225C2 at Rio Bravo, Texas as its first local transmission service, and to upgrade the facilities of KJBZ(FM), Laredo, Texas to specify operation on Channel 225C2 at Rio Bravo, Texas in lieu of Channel 224A at Laredo, Texas. As shown in the attached Technical Report, this substitution may be made in compliance with the Commission's current separation requirements. In support whereof, the following is submitted:

A. Guerra requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Laredo, TX	224A, 235C1, 251C1	235C1, 251C1
Rio Bravo, TX	- - -	225C2 ^{1/}

^{1/} The reference coordinates for Channel 225C2 at Rio Bravo, Texas are 27-30-25 North Latitude and 099-21-50 West Longitude, at a site located approximately 19.6 kilometers northeast of Rio Bravo.

2. Rio Bravo, Texas is a community for allotment purposes. Rio Bravo was incorporated as a Class C City under the Texas Local Government code in May, 1989. Rio Bravo has an estimated population of 3,914 persons (1994 Estimated Population per U.S. Geological Survey's Geographic Names Information System). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census). In addition, Rio Bravo is self-governing with its own City Hall (Rio Bravo City Hall), Mayor (Feliciano Garcia, Jr.), City Commissioners (Gilbert Cerda and Juan Carlos Garcia), City Administrator (Jorge Luis Benavides), Assistant City Administrator (Jose A. Valdez), City Secretary (Janet Sale), and Fire and Emergency Medical Services Supervisor (Joe Flores III). See Letter from Jose A. Valdez, Assistant City Administrator of Rio Bravo, to Joe Martinez, Chief Engineer for KJBZ(FM), dated November 19, 1999 (attached); See also Attached photographs of various city government organizations.

3. There are also a number of churches, organizations, and businesses that serve the Rio Bravo community, including those that incorporate "Rio Bravo" in their name. Examples are: the Santa Margarita Church, Rio Bravo Fire Department, Alfredo's Importers, Video Bravo, Bloguera Rio Bravo & Materials, Rio Bravo Music Store, Los Pasteles Bakery, Las Palmas Lunch Stand, E & E Building Supply, Malu Beauty Salon Unisex, Ceteno Grocery & Meat Market, and Kinosh Meat Market. See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations

incorporating the community's name is indicative of community status).

4. Substitution of Rio Bravo for Laredo, Texas as KJBZ(FM)'s community of license would result in a preferential arrangement of allotments, pursuant to Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The substitution would provide Rio Bravo, Texas with its first local service (fulfilling the Commission's third priority for FM allocations), while Laredo, Texas would continue to receive local service from several stations, including KOYE(FM) and KRRG(FM). See Technical Report, at page 2. Further, the allocation of Channel 225C2 to Rio Bravo will provide 60 dBu service to an area of 7,428 square kilometers to a population of 133,417 persons (1990 U.S. Census). Id. at page 3. This is a gain of 7,117 persons in the United States (gain area of 5,699 square kilometers). Id. There is also a significant population gain in Mexico. Id. There is no population loss. Id. Thus, the objectives of 47 U.S.C. §307(b) would be served by permitting the change of the community of license for KJBZ(FM) from Laredo, Texas to Rio Bravo, Texas and modifying the facilities of KJBZ(FM) to operate on Channel 225C2 at Rio Bravo.

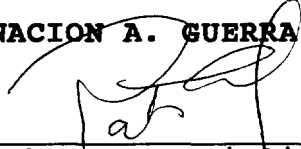
5. Guerra hereby certifies that he has a present intention to apply for the new channel when allotted, and when authorized will build the modified facilities promptly and commence operation of KJBZ(FM) on Channel 225C2 at Rio Bravo, Texas.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 225C2 to Rio Bravo, Texas and to modify the license of KJBZ(FM) to specify operation on Channel 225C2.

Respectfully submitted,

ENCARNACION A. GUERRA

By:



John F. Garziglia
Patricia M. Chuh
His Attorneys

PEPPER & CORAZZINI, L.L.P.
1176 K Street, N.W., Suite 200
Washington, DC 20006
(202) 296-0600

Date: March 3, 2000

**CITY OF RIO BRAVO**

Feliciano Garcia, Jr.
MAYOR

Gilberto Carda
CITY COMMISSIONER

Jorge Luis Benavides
CITY ADMINISTRATOR

Alfonso H. Ornelas, Jr.
CITY ATTORNEY

November 19, 1999

Mr. Joe Martinez
Chief Engineer-Guerra Communications
902 E. Calton Road
Laredo, Texas 78041

Mr. Joe Martinez:

Regarding your request for information on the City of Rio Bravo please be informed of the following.

Rio Bravo was founded in as a Colonia 1982. In May 8, 1989, the City was incorporated as a Class C City under the Texas Local Government Code. In 1997, the City hired it's first full time City Administrator. Since that year, the city Commissioners put in place an ambitious plan to strengthen public services. Solid waste Collection, Fire and Emergency Medical Services, Animal Control, Planning and Zoning, Building Code Enforcement and Street paving have been accomplished using, local, state, and federal resources. Owner Occupied Housing Rehabilitation Services have been funded with federal monies provided by the Texas Department of Housing and Community Affairs. Webb County, operating the Water and Sewer Utilities in the city has received funding to install infrastructure water and sewer lines through out the entire city as needed. Other services are planned for the near future. Architect draft renditions have been completed for a City Hall/Library complex and a Municipal Court/Police Department Building.

The City Commission of Rio Bravo is composed of Mayor Feliciano Garcia, Jr. and City Commissioners Gilbert Carda and Juan Carlos Garcia. Jorge Luis Benavides is the City Administrator, Jose A. Valdez is Assistant City Administrator. Janet Sale is City Secretary and Joe Flores III is the Fire and Emergency Medical Services Supervisor. The City will be appointing a Municipal Court Judge at the November 27, 1999 City Commissioners meeting. At this time, police protection is provided by the Webb County Sheriff's Department. The Sheriff's Department has an office in the Rio Bravo City Hall. The City plans to initiate it police department in the very near future as plans are finalized.

The city of Rio Bravo has close to 8,000 residents. The official census next year will provide a clearer picture. There are two elementary and one middle school serving the children of Rio Bravo. Webb County operates a Community Center with social services in the city. The Community Action Agency of Webb County provides social services in another office. The City is represented in the County Commissioner's Court by Jorge De La Garza. Ricardo Molina from Rio Bravo represents the area in the United Independent School District Board of Trustees.

Please let us know if you need additional information. We will be happy to provide it to you.

Sincerely,



Jose A. Valdez
Assistant City Administrator

TECHNICAL REPORT

This technical report has been developed on behalf of the licensee of station KJBZ, Laredo, TX seeking a change in city of license to Rio Bravo, TX providing that community a first local aural service and a simultaneous adjacent channel upgrade from channel 224A to channel 225C2 as a restricted assignment in accordance with and subject to the provisions of the United States-Mexico Treaty.

I. ALLOCATION ANALYSIS

Exhibit E-1 demonstrates that there is an arbitrary reference point for a channel 225C2 KDJZ facility which meets all United States domestic separation requirements :

N 27-30-25 W 99-21-50 (19.6 km northeast of Rio Bravo – 35.7 degrees True).

Exhibit E-2 shows that from the arbitrary allocation site, the proposed allotment will provide 70 dBu service to Rio Bravo based on the assumption of uniform terrain utilizing the 225C2's proposed directional pattern. A terrain plot is included as exhibit E-8 demonstrating line of sight from the arbitrary reference point to Rio Bravo (N 27-21-50 W 99-28-47).

Exhibit E-3 demonstrates that the proposed 225C2 allocation at Rio Bravo will not result in prohibited overlap with the channel 222A allocation at Colombia, NL. It is noted that the Colombia 222A assignment is a 3 kw allocation and must only be protected to that extent. In accordance with the provision of the United States – Mexico Treaty, a directional pattern is

proposed herein (see Exhibit E-6) to prevent prohibited overlap. This methodology was confirmed with Mr. James McLukie in the Commission's International Bureau. The contour plots are provided based on assumed uniform 150 meters HAAT and terrain as well as actual terrain from the Communications Data Service RFCAD 3 second terrain database. Significant clearance is evident in both cases.

Exhibit E-4 demonstrates that the proposed 225C2 restricted Rio Bravo allocation will not result in prohibited overlap with the 223A (3 kw) assignment at San Ignacio, TA. Again, the 225C2 proposed 60 dBu has been plotted with the assumption of uniform 150 meters HAAT and based on actual terrain from the RFCAD 3 second database. Significant clearance results in both cases. Restriction of the radiation at 190 degrees to 33.6 kw (.820 field) affords the required protection.

Exhibit E-5 demonstrates that a 50 kw/ 150 meters HAAT 225C2 facility will clear the licensed operation of XHAAAF on 226C at Reynosa, TA even with the assumption of maximum class C facilities (100 kw @ 600 m HAAT) based on both actual and uniform terrain. Again, the provisions of the United States-Mexico Treaty are utilized to demonstrate the lack of prohibited overlap, and the restricted upgrade is requested based on the appropriate notification and negotiation with Mexico.

It is also evident from E-1 that the 225C2 Rio Bravo allocation is entirely mutually exclusive with the licensed KJBZ facility on 224A. Furthermore, Laredo will continue to receive local aural services from a number of other fulltime stations including KOYE on 235C1 and KRRG on 251C1.

II. Population Analysis

The proposed Rio Bravo 225C2 allocation will provide a 60 dBu service to an area of 7,428 square kilometers which includes a 1990 U.S. population of 133,417. This represents a gain of 7,117 in U.S. Population in addition to a significant population gain in Mexico as evidenced by the increased coverage area shown in E-7. There is no population loss. The 60 dBu gain area is 5,699 square kilometers.

III. Conclusion

The reallocation of KJBZ from Laredo, TX to Rio Bravo, TX and simultaneous upgrade to adjacent channel 225C2 as a restricted assignment will provide a first local service to Rio Bravo thereby fulfilling the Commission's third priority for FM allocations. Furthermore, the Rio Bravo allocation will provide a net U.S. population increase within the 60 dBu contour of 7,177 (+5.7%), and an increase in area of 5,699 (+330%). At the same time, Laredo, TX will continue to be served by several aural facilities including two fulltime FM stations. Furthermore, there is no loss in service area.

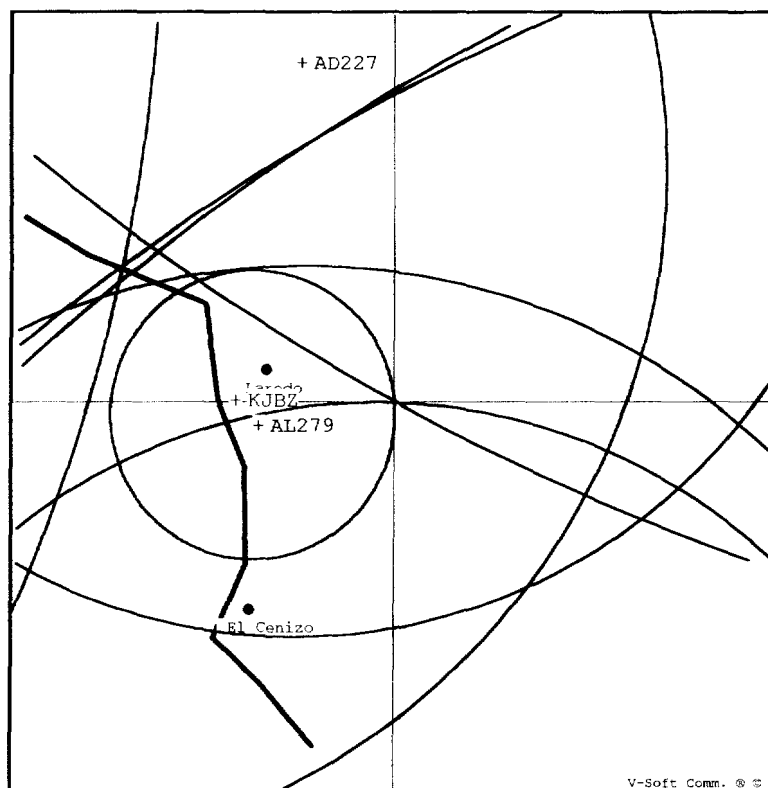
SUMMARY OF PROPOSAL

Community	Present	Proposed	Coordinates
Laredo, TX	224A, 235C1, 251C1	235C1, 251C1	-----
Rio Bravo, TX	-----	225C2 N 27-30-25 W 99-21-50 (19.6 km NE)	

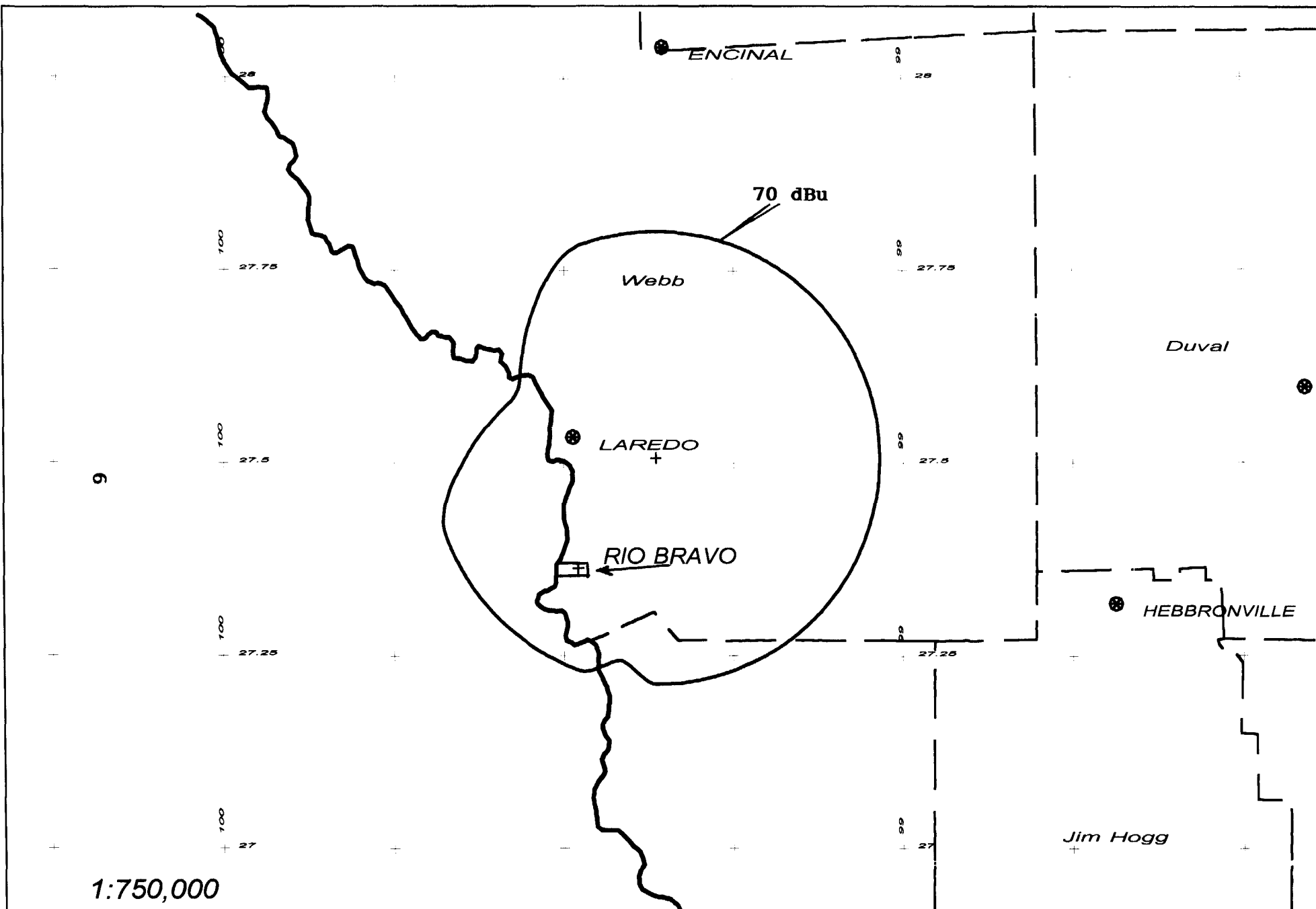
FMCONT^(TM) LOCATE STUDY

Ch 225 C2
92.9 MHz

N. Lat. 27 30 25
W. Lng. 99 21 50

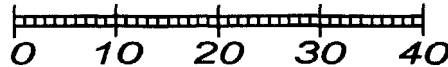


Call	CH#	Location		D-KM	Azi	FCC	Margin
KJBZ	224A	Laredo	TX	15.70	274.4	105.5	-89.80
XHAAAF	226C	Reynosa	TA	189.53	148.3	214.5	-24.97
AL226	226C	Reynosa	TA	189.86	145.3	214.5	-24.64
AD227	227A	Laredo	TX	33.92	343.8	54.5	-20.58
AD227	227A	Laredo	TX	33.92	343.8	54.5	-20.58
AL222	222A	Colombia	NL	44.45	299.4	64.5	-20.05
AL223	223A	San Ignacio	TA	52.41	189.3	64.5	-12.09
KBAW.C	228C3	Zapata	TX	55.53	181.8	55.5	0.03
AL279	279A	Nuevo Laredo	TA	13.54	265.1	13.5	0.04
KROM	225C1	San Antonio	TX	223.57	28.4	223.5	0.07
AL226	226B	Nueva Rosita	CI	191.54	284.1	163.5	28.04
KKBA	224A	Kingsville	TX	146.13	88.4	105.5	40.63
KKBA.C	224C2	Kingsville	TX	178.33	84.3	129.5	48.83
KKBA.A	224C2	Kingsville	TX	178.35	84.3	129.5	48.85
KINL.C	224C3	Eagle Pass	TX	175.35	321.2	116.5	58.85
KINL	224A	Eagle Pass	TX	175.00	321.1	105.5	69.50
ALOPEN	228A	Carrizo Spring	TX	124.63	334.5	54.5	70.13



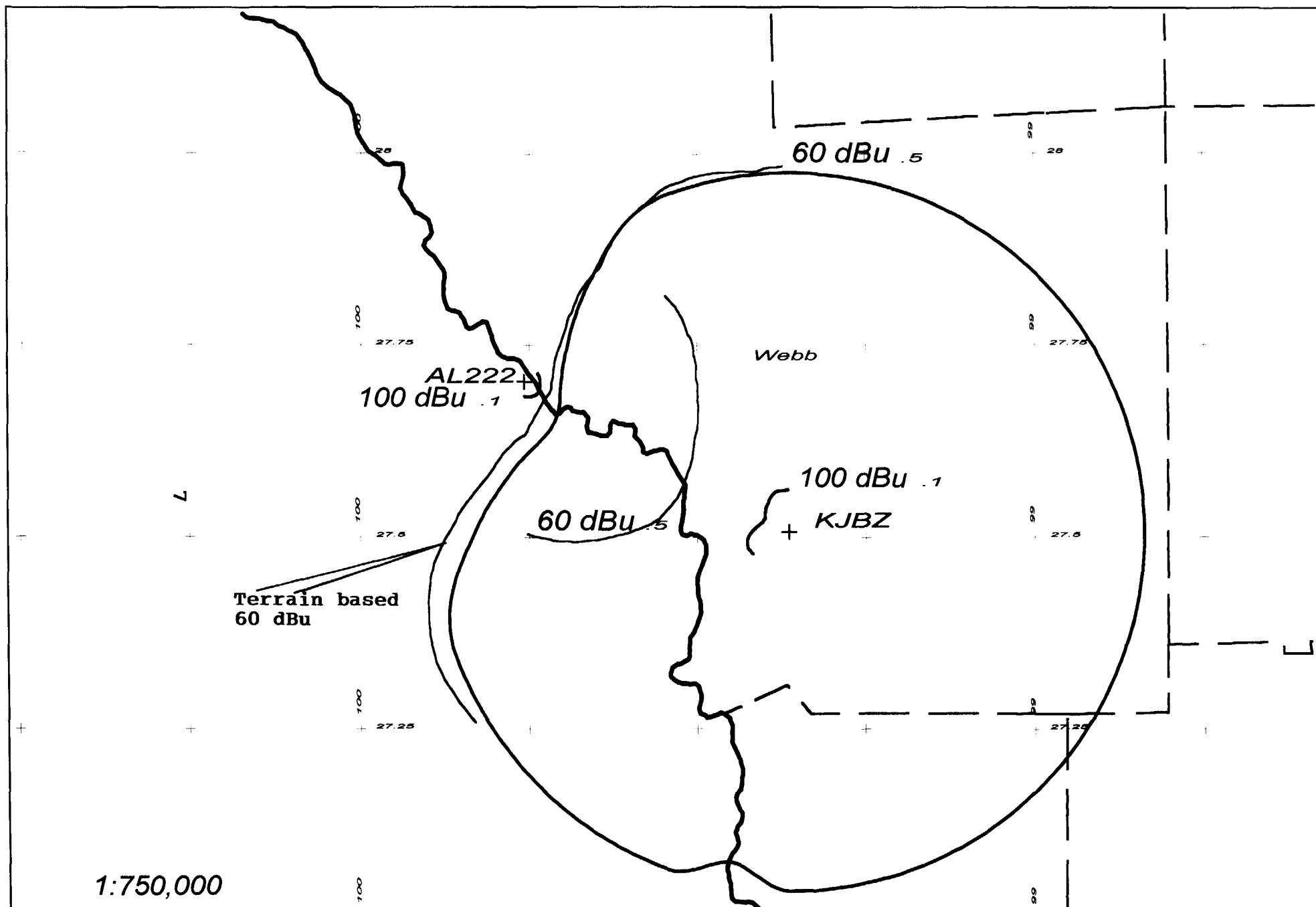
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Scale in km

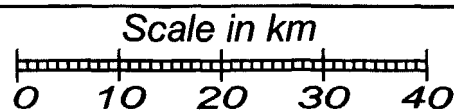


KJBZ 225C2 50kW 311M AMSL
N. Lat. 27 30 26 W. Lng. 99 21 51

E-2
- 02/00

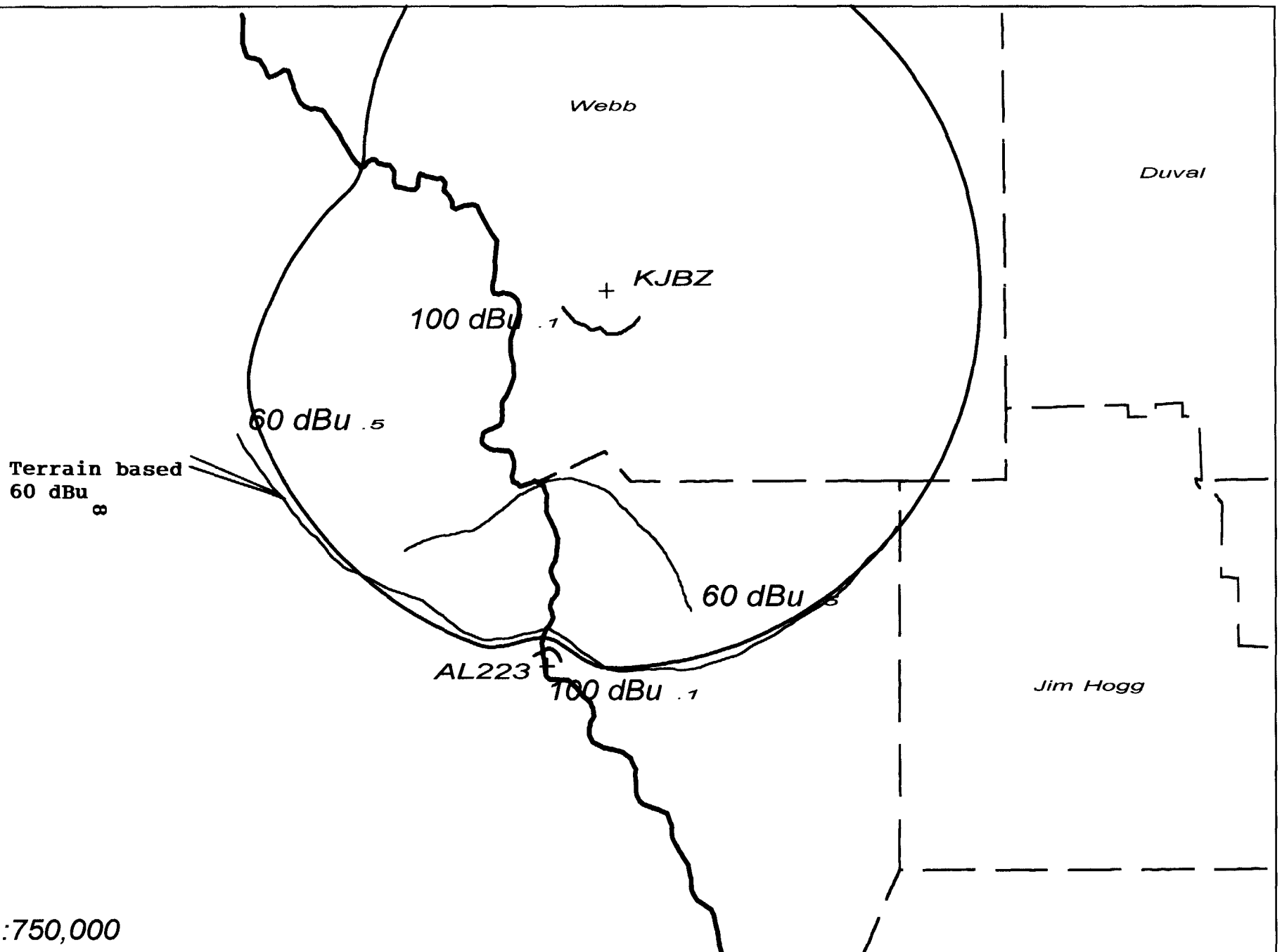


1:750,000



KJBZ 225C2 50kW 311M AMSL
AL222 222A 3kW 266.55M AMSL

E-3 KJBZ vs AL222
- 02/00



1:750,000

Scale in km



KJBZ 225C2 50kW 311M AMSL
AL223 223A 3kW 216.35M AMSL

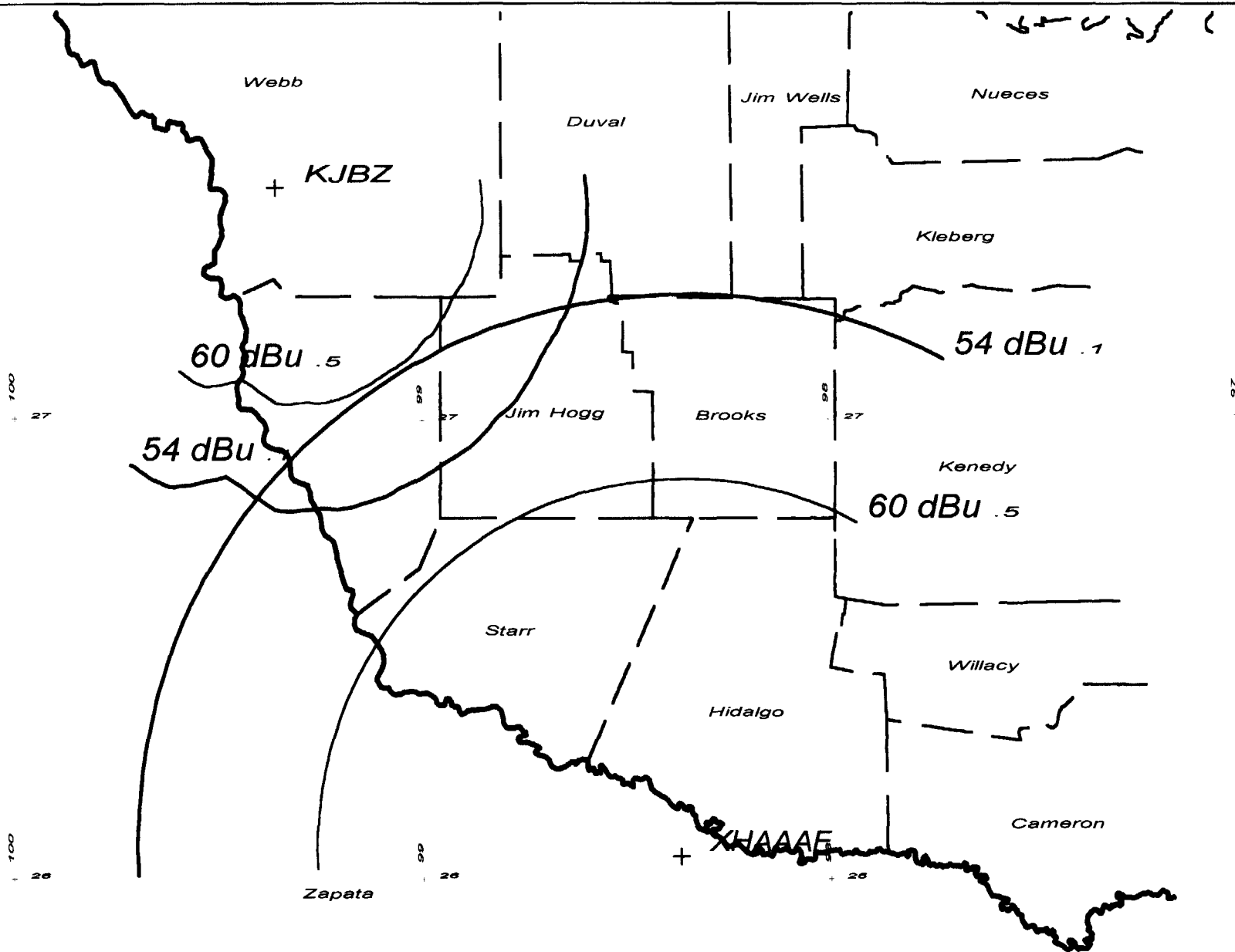
E-4 KJBZ vs AL223
- 02/00

EXHIBIT E-6
RIO BRAVO 225C2
PROPOSED ALLOCATION DIRECTIONAL PATTERN
AND RADIATION LIMITS

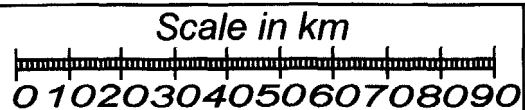
N. Lat. = 27 30 25 W. Lng. = 99 21 50

Azi.	kW	Field
000	50.0000	1.000
010	50.0000	1.000
020	50.0000	1.000
030	50.0000	1.000
040	50.0000	1.000
050	50.0000	1.000
060	50.0000	1.000
070	50.0000	1.000
080	50.0000	1.000
090	50.0000	1.000
100	50.0000	1.000
110	50.0000	1.000
120	50.0000	1.000
130	50.0000	1.000
140	50.0000	1.000
150	50.0000	1.000
160	50.0000	1.000
170	50.0000	1.000
180	50.0000	1.000
190	33.6200	.820
200	50.0000	1.000
210	50.0000	1.000
220	50.0000	1.000
230	50.0000	1.000
240	50.0000	1.000
250	50.0000	1.000
260	39.6050	.890
270	25.2050	.710
280	16.2450	.570
290	10.5800	.460
300	10.5800	.460
310	16.2450	.570
320	25.2050	.710
330	39.6050	.890
340	50.0000	1.000
350	50.0000	1.000

10



1:1,445,313



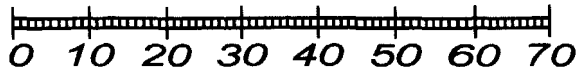
KJBZ 225C2 50kW 311M AMSL
XHAAAF 226C 100kW 634.35M AMSL

E-5 KJBZ vs XHAAAF
- 02/00

11

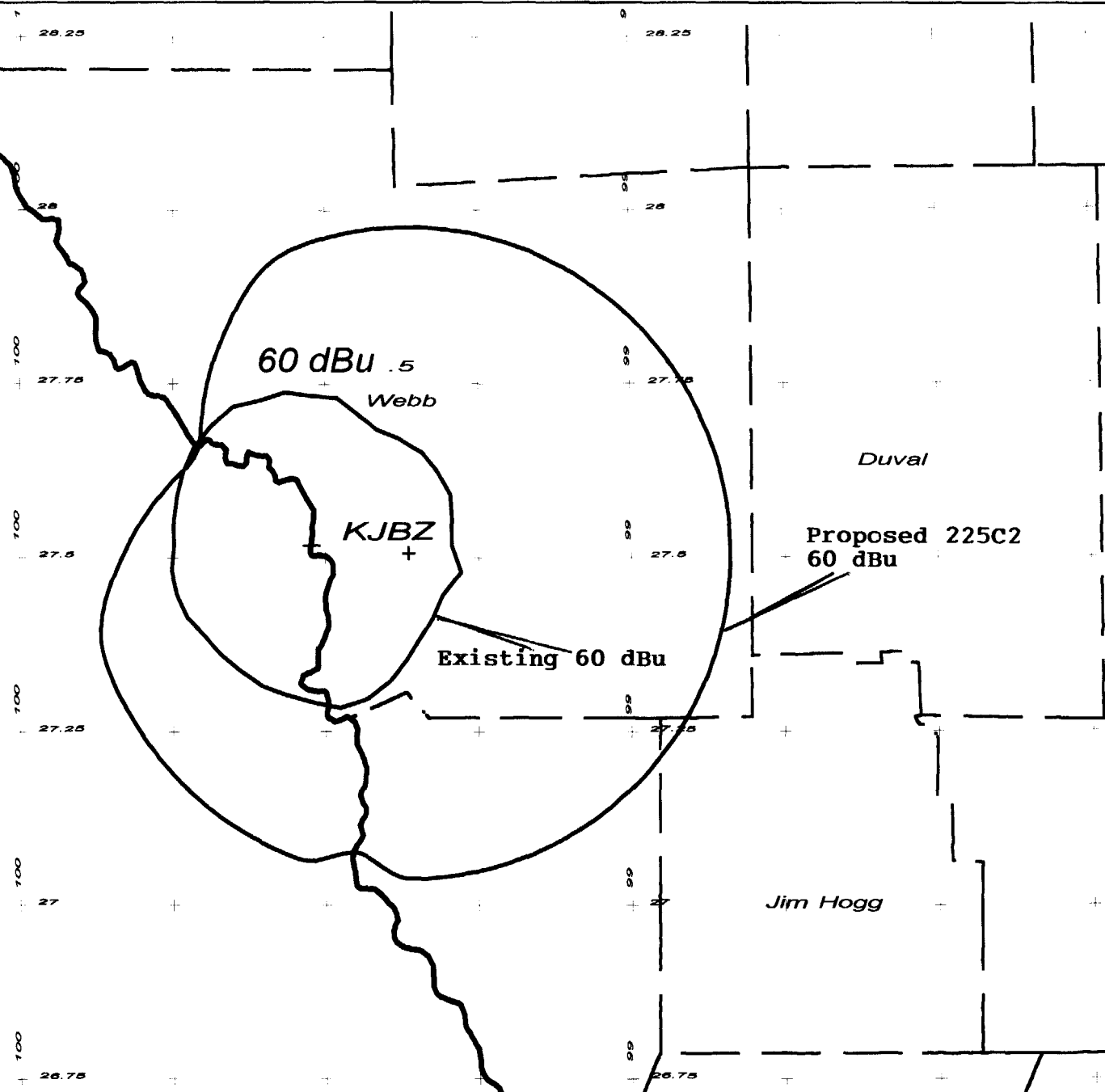
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Scale in km



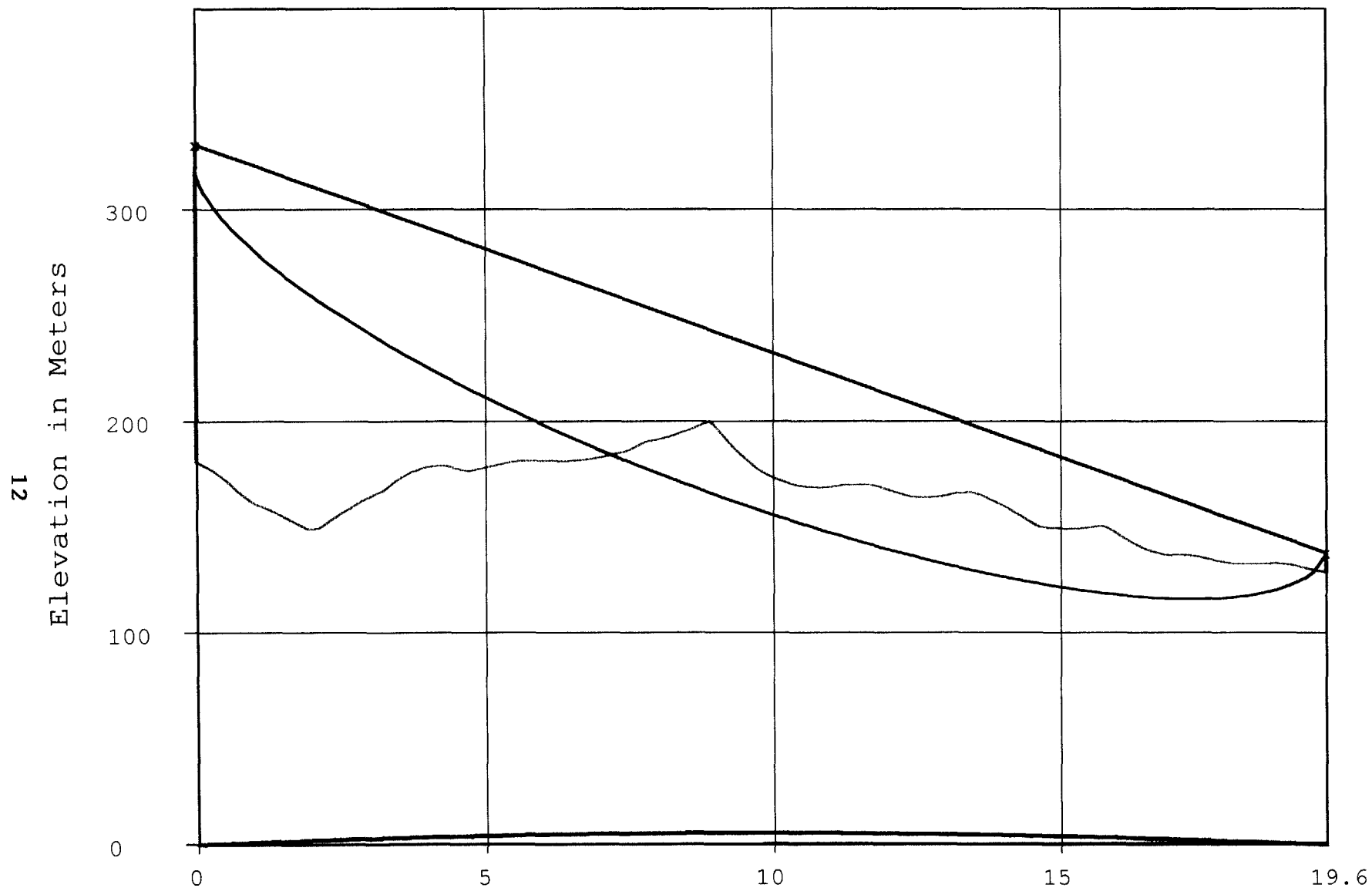
KJBZ 224A 3kW 239M AMSL
N. Lat. 27 31 04 W. Lng. 99 31 20

E-7
- 02/00



TERRAIN PROFILE AT 215.7 DEGREES T.

EXHIBIT E-8 (ALLOCATION POINT TO RIO BRAVO)



Xmtr. AMSL = 330.8

Distance in km

Rcvr. AMSL = 137.6

Xmtr. AG = 150

K = 1.33

Rcvr. AG = 9

Transmitter Site coordinates N. Lat. = 27 30 25 W. Lng. = 99 21 50

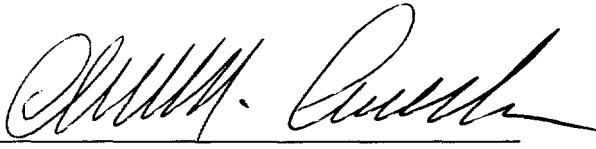
CERTIFICATION

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University and advanced degrees in the communications field from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/ 
Charles M. Anderson

February 26, 2000

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

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